

REMARKS/ARGUMENTS

Claims 1-27 and 38-63 are currently pending in the entry of this Amendment.

Claims 1-27 and 38-63 stand rejected.

OBJECTIONS

The Office states that the terms “adapted to”, “whereby”, “thereby” and “wherein”, makes the terms following optional and requests their deletion from the claims. The Applicant requests a statutory or administrative basis for such a conclusion and request. Absent such a showing, the Applicant will not voluntarily amend the claims.

REJECTIONS

The Examiner has improperly rejected Claims 1-13, 15-19, 23-36, 38-50, 52-56 and 60-63 under 35 U.S.C. § 103(a) as being unpatentable over Zendle (US 6,865,170) in view of Carney (US 6,011,785) and Yang *et al.* (U.S. 2001/0033600).

Zendle does not disclose all the features attributed to it by the Office and further teaches against the actual teachings associated with Yang and Carney. In addition, the motivation provided by the Office with regards to Yang, is contrary to Yang’s teachings.

The Office incorrectly purports that Zendle “teaches...the hub includes: indoor units 622 with line cards (signal processors) coupled to antennas” and cites col. 6, lines 42-44 as a basis.

Nowhere in Zendle is a teaching that the line cards are in the hub indoor unit and that signal processing, other than that performed in the hub radio units, is performed. The line cards referred to in Zendle are associated with the indoor units 806 of the remote or subscriber units, on this fact the specification is clear. The Zendle specifically notes:

“Indoor units 806 are used to interface with customer premises equipment (CPE) 810. A preferred embodiment of the indoor unit includes a chassis with slots for receiving service specific line cards.”

Therefore, the Office has not shown that the Hub indoor units, as clearly distinguished from the subscriber indoor units, provide signal processing. The rejection is improper for at least this reason.

In addition, the Office incorrectly attempts to use Yang to teach a first communication processor operatively connected to a plurality of wireless communication link interfaces.

Yang only teaches the radio unit (i.e. the receiver/transmitter pair) connected to two antennas, therefore the only teaching Yang can provide is connecting a receiver/transmitter pair to multiple antennas. As such, this teaching would apply only to the hub radio units (620) the receiver/transmitter pair, not the Hub IDUs. This however, could be contrary to the teachings of Zendle.

Zendle specifically discloses:

“Each antenna preferably includes a corresponding hub radio unit 620. To avoid signal losses associated with coaxial lines and waveguides at 38GHZ, the hub radio units are preferably

coupled to a corresponding antenna as an integral unit which is mounted on a roof top or tower” Col. 6, ll. 36-41

Therefore, not only does Zendle teach against connecting the receiver/transmitter pair (hub radio unit) to multiple antennas, as allegedly taught in Yang, but also teaches against the use of a bus, as allegedly taught by Carney, since the bus would create additional signal losses and prevent the radio unit and antenna from being integral. Additionally, The Office’s motivation regarding “providing additional communication links to support the traffic loads” is not supported by Yang. Yang, explicitly states:

The details regarding each transmitter and receiver pair 304a-304d, commonly referred to as a baseband-processor, have already been discussed with relation to FIG. 1. Each baseband-processor can support a single broadband channel.”
Para [0038]

Clearly, connecting multiple antennas to the baseband-processor can not provide additional communication links to support the traffic load as the baseband-processor can only support a “single broadband channel” and thus as the motivation fails, so to does the rejection.

Therefore, as Zendle does not disclose the use of Hub Line cards relied upon by the Office, teaches against multiple interfaces for the hub radio units, teaches against the use of a bus, and as Yang contradicts the Office’s motivation for using multiple interfaces to provide additional communication links to support the traffic loads, the rejection of Claims 1 and 38 are improper for at least one of the enumerated reasons and must be withdrawn.

Likewise, the rejections of Claims depending from Claims 1 and 38 as being unpatentable over Zendle, Carney and Yang are also improper irrespective of the additional patentable feature recited therein.

Claims 20-22 and 57-59 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Zendle and Carney, in view of Stanwood et al. (US 6,731,946).

The Office's rejection is improper on its face, Claims 20-22 and 57-59 depend from Claims 1 and 38 respectively. The Office acknowledges that Zendle and Carney "fails to explicitly disclose a first communication processor operatively connected to a plurality of wireless communication link interfaces" and attempts to use Yang to correct this deficiency. However, in the present rejection the Office has failed to even attempt to provide the elements acknowledged to be missing in Zendle and Carney. Therefore, irrespective of the additional patentable features recited in Claims 20-22 and 57-59, the rejection fails as Zendle, Carney, with or without Stanwood fail to meet the limitations of Claims 1 and 38.

The rejection is improper and must be withdrawn.

The Office improperly rejected Claims 14, 27 and 51 as being unpatentable over Zendle and Carney in view of Foster.

Again, this rejection is improper on its face, for the same reasons as noted above. Claims 14 and 51 depend from Claims 1 and 38, and Claim 27 recites the same feature of the hub processor connected to a plurality of interfaces and Foster does not correct the

deficiencies of Zendle and Carney, as acknowledged by the Office, with respect to Claims 1 and 38.

The rejection is improper and must be withdrawn.

CONCLUSION

As acknowledged in the current Office Action and in the earlier Examiner interview. Claims 1, 17 and 38 are not rendered unpatentable over Zendle and Carney. The Office has attempted to use Yang to correct the deficiencies with respect to Zendle and Carney; however, as discussed above, Yang does not correct all the deficiencies of Zendle and Carney and provides a further teaching against their modification. In addition, the rejections of Claims 20-22, 57-59 and 14, 27 and 51 are improper on their face. Therefore, the Applicant requests withdrawal of all the rejections.

Applicant respectfully submits that the claims are in condition for allowance. A notice to this effect is respectfully requested.

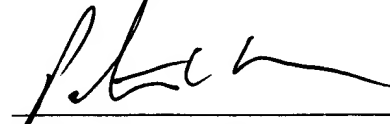
If any point remains that is deemed best resolved through a telephonic conversation, the Office is hereby requested to contact the undersigned directly.

Application Serial No.: 09/893,431
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Response to Office Action May 2, 2006

While an extension of time is not deemed necessary, the Office is requested and hereby authorized to charge the appropriate extension-of-time fees needed to maintain the application pending against Deposit Account No. **04-1679** to Duane Morris LLP.

Respectfully submitted,



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